

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

NATHAN VANBUREN

Criminal Action No.

1:16-CR-243-ODE-JFK

Government's Proposed Questions for Voir Dire

The United States of America, by Byung J. Pak, United States Attorney, and Jeffrey A. Brown, Assistant United States Attorney for the Northern District of Georgia, provides the following questions for the voir dire of the jury panel.

INDIVIDUAL QUESTIONS

1. What is your name?
2. (a) In what county do you currently reside?
(b) How long have you lived there?
(c) How long have you been a resident of the Northern District of Georgia?
(d) Where did you reside previously?
3. Are you currently employed?
(a) If so, how are you currently employed?
(b) How long have you been so employed?
(c) What was your previous employment?
4. What is your educational background?

5. (a) What is your marital status?
 - (b) What is your spouse's occupation?
 - (c) Do you have children?
 - (d) Please state each child's sex, age, and employment, if any.
6. Do you belong to any social or professional organizations?

PRETRIAL PUBLICITY

7. In this case the defendant is the former police officer with the Cumming Police Department. The indictment charges the defendant with honest services wire fraud, in essence, indictment alleges that the defendant took a bribe in exchange to commit an and official act, which was running a license tag on a law enforcement database, and thereby deprived the citizens of Cumming, Georgia of his honest services. The indictment also alleges that the defendant exceeded his authorized access to a protected computer for financial gain when he conducted a license tag query on a law enforcement database. This case was investigated by the Federal Bureau of Investigation and the Georgia Bureau of Investigation. Have you heard or read about this case, the defendant, and/or the investigation either from media reports or from friends or family?

If any juror indicates an affirmative response to question #7, the government requests that these jurors be asked the following questions individually outside the presence of other prospective jurors.

8. What do you recall hearing and/or reading?

9. Can you put aside what you have heard and/or read previously and decide the case based solely on the evidence that you will hear in the courtroom during the trial?

10. Have you formed an opinion about the case, the defendant, or the investigation based upon what you have heard and/or read in the media or have heard from friends or family?

11. If you have formed an opinion, can you put aside that opinion and decide the case based solely on the evidence that you will hear during the trial?

GENERAL QUESTIONS

12. Is any member of the jury panel acquainted, either professionally or socially, with:

(a) the defendant, Nathan Vanburen; and/or

(b) the defendant's attorneys, Regina Cannon, f/k/a Regina Stephenson and/or Rebecca Shepard both with the Federal Defender Program, Inc.?

13. Is there any member of the jury panel who would not believe the testimony of a witness based solely on the fact that the witness was charged with committing a crime, and then cooperated with law enforcement authorities?

14. Is there any member of the jury panel who feels that it is wrong or unfair for the Federal Bureau of Investigation or other law enforcement agencies to use confidential informants in order to investigate criminal activity?

15. Has any member of the jury panel or any member of your immediate family ever had an unpleasant experience with any federal, state, or local agency that could cause you to be biased against the prosecution in this case?

16. Is there any member of the jury panel who believes you or a close family member or friend was improperly harassed by a law enforcement officer? If so, who was the person? What agency or department did the law enforcement officer work for? What did the law enforcement officer do that was objectionable? What were your feelings about the incident at the time and what are your feelings now? Based upon this incident, can you be fair and impartial in this case?

17. Has any member of the jury panel or any member of your immediate family ever been involved in a lawsuit or any kind of litigation with the United States Government or a state or local government could cause you to be biased against the prosecution in this case?

18. Has any member of the jury panel or a close friend or relative of a member of the jury panel ever been convicted of a non-traffic related violation of either state or federal law?

If so: (at bench or in camera, if juror prefers)

(a) Who was the family member or friend?

(b) What type of crime was it and when did it occur?

(c) Did you testify?

(d) Was there anything about your involvement with the police, the court, the prosecutor, or the defense attorney (if there was a trial) which left you dissatisfied or upset? Please elaborate.

(e) What is your opinion of, or reaction to, this experience?

(f) Is there anything about this experience that would cause you to be unable to be completely fair and impartial in this case if you are selected as a juror?

19. Has any member of the panel or a relative or close friend, ever been charged with, but not convicted, of committing a non-traffic related crime?

If so: (at bench or in camera, if juror prefers)

(a) What type of crime and when did it occur?

(b) Was the crime prosecuted?

(c) Did you testify?

(d) Was there anything about your involvement with the police, the court, the prosecutor, or the defense attorney (if there was a trial) which left you dissatisfied or upset? Please elaborate.

(e) What is your opinion of, or reaction to, this experience?

(f) Is there anything about this experience that would cause you to be unable to be completely fair and impartial in this case if you are selected as a juror?

20. I am going to read you a list of names of persons who are either expected to be witnesses in this trial or whose names you will hear about during the trial.

If you believe you know anyone whose name is read please raise your hand.

Government counsel will read the list of names. For affirmative responses, how do you believe you know this person? What is the nature of your relationship? If the person is a witness or if you hear the person's name mentioned during the trial, will that affect your ability to be a completely fair and impartial juror?

21. Is there any member of the jury panel who has been a witness to a crime?

If so, were you questioned by the police? Did you have to testify in any proceeding?

22. Has anyone ever visited a jail or prison? If so, would that experience have any effect on your ability to be a fair and impartial juror in a criminal case?

23. Has any member of the panel ever served on a grand jury?

a. Was it a state or federal grand jury?

b. Where and when did you serve on the grand jury?

24. Has any member of the panel ever served on a trial jury?

a. Was it a civil or criminal case?

b. Where and when did you serve?

c. Were you the foreperson?

d. Did the jury on which you served reach a verdict?

25. Has any member of the panel or any member of your immediate family ever received any legal training, practiced law, or worked in an attorney's office? If so, please state who received the legal training, the type of training, the area of the law involved, and the firms who have been employers.

26. Is there any member of the jury who is not able to apply the instructions of the court regarding applicable legal principles even where he or she may personally disagree?

27. Is there any member of the jury who has any beliefs or convictions, whether moral, religious, philosophical, or otherwise, that would prevent you from being a fair and impartial juror in this case or that would make it difficult for you to sit in judgment of the defendant?

Respectfully submitted,

BYUNG J. PAK
United States Attorney

/s/ Jeffrey A. Brown
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Certificate of Service

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

Regina Cannon

Rebecca Shephard

October 17, 2017

/s/ JEFFREY A. BROWN

JEFFREY A. BROWN

Assistant United States Attorney